

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN CONSOLINO, et. al.,)	
Plaintiffs,)	Case No. 17 CV 09011
)	
v.)	Honorable Judge Robert M. Dow, Jr.
)	Magistrate Sidney I. Schenkier
THOMAS J. DART, et. al.)	
Defendants.)	

**DEFENDANTS, COUNTY OF COOK's MOTION TO ENLARGE TIME WITHIN WHICH
TO OBTAIN OUTSIDE COUNSEL AND ANSWER OR OTHERWISE PLEAD THE
SECOND AMENDED COMPLAINT AT LAW**

NOW COMES Defendant, the County of Cook, by its counsel, Assistant State's Attorney, Megan E. Inskeep, and moves this Court for an Order to enlarge the time for it to obtain outside counsel and to answer the pending Second Amended Complaint at Law, pursuant to Federal Rule 6(b)(1)(A.) In support of said motion, defendant states as follows:

1. On March 16, 2018 the undersigned filed her appearance for all Defendants: Thomas J. Dart, Zelda Whittler, and the County of Cook.
[Dkt. 12]
2. In preparing responsive pleadings, the undersigned identified a possible conflict with representing the Cook County Sheriff's Office defendants: Thomas Dart and Zelda Whittler. After obtaining a continuance within which to answer or otherwise plead to the (then current) First Amended Complaint [Dkt. 20], the State's Attorney's Office petitioned the state court in Chancery Division for the appointment of a Special Assistant State's Attorney pursuant to 55 ILCS5/3-9005 and 9008(a-10) and the Cook County Guidelines for Special Assistant State's Attorney.

3. On June 22, 2018, the firm of Leinenweber, Baroni & Daffada, LLC. was appointed Special State's Attorney for defendants Thomas J. Dart and Zelda Whittler. Ex. A.
4. On June 26, 2018, Leinenweber, Baroni & Daffada, LLC. filed appearances for Thomas J. Dart and Zelda Whittler in the instant matter. [Dkt. 24, 25]
5. It has now become apparent that the Civil Actions Bureau of the State's Attorney's Office has a conflict in representing the County of Cook. Further analysis shows that the Conflicts Unit cannot take on the case, as it represents several of the plaintiff's in the instant matter in various Civil Rights cases pending in Federal Court. As such, a Special State's Attorney needs to be appointed for the County of Cook as well.
6. On July 16, 2018, Plaintiffs filed their Motion for Leave to File a Second Amended Complaint at Law. [Dkt. 26] Leave was granted on July 18, 2018. [Dkt. 28] Federal Rule 15 requires defendant to answer or otherwise plead in 14 days (August 2, 2018.)
7. Pursuant to Federal Rule 6 (b)(1)(A), the court may enlarge the time to file an answer for good cause.
8. According to the King & Spaulding Report (Ex. B.), a strict process must now be undertaken for the appointment of all Special State's Attorneys when a conflict of interest is identified. This includes a Request for Proposal listing various firms, those firms returning proposals for representation with bids for services, interviewing the firms, and the choosing of an appropriate firm to represent the County entity. Once an acceptable firm is identified, the Municipal Unit must then file a Petition

to Appoint Special State's Attorney in the Chancery Division of state court. This entire process will take a *minimum* of six (6) weeks. New counsel would then need to review the file and materials in order to properly answer or otherwise plead to Plaintiff's Second Amended Complaint at Law, as well as answer discovery pursuant to this Court's participation in the MIDP program.

9. The undersigned can no longer work substantively on the file due to the identified conflict.
10. This request is made in good faith and is not made to frustrate the Court, delay matters, or prejudice any party.
11. To deny this request would severely prejudice the County, requiring it to answer or plead to the Second Amended Complaint without benefit of counsel.

WHEREFORE, Defendant, the County of Cook, respectfully request this Honorable Court enlarge the time for it to answer the pending Second Amended Complaint at Law, up to and including **September 5, 2018**.

Respectfully Submitted,

By: /s/ Megan Inskeep
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